

# Radio Communications Bill 1983

Draft legislation to replace the Wireless Telegraphy Act 1905 is being considered by the Federal Government. The so-called **Radiocommunications Bill 1983** was released for public comment by the former Minister for Communications, Mr. Brown.

The draft legislation states itself to be: "An Act relating to radiocommunications, interference to radio-communications, and other matters".

The Bill contains definitions (some have been criticised for their complexity and uncertainty) departing from many of those employed by the International Telecommunications Union, very wide powers of "inspectors" to arrest "... any person, if the inspector believes on reasonable grounds —

(a) that the person is committing or has committed an offence against this Act; and

(b) that proceedings against the person by summons would not be effective",

or to search people or property "... in the immediate control of, a person, suspected by (an inspector) to be carrying anything connected with an offence against the Act" — and to do so without warrant in "emergencies".

Offences relating to receivers and transmitters deemed to be sub-standard carry penalties of fines up to \$50,000 or imprisonment for up to two years.

Novel aspects of the Bill include the use of "advisory guidelines" as a means of persuasion where, for example, the desired result is beyond Commonwealth power; conciliatory provisions for settlement of interference disputes and provision for review of bureaucratic and ministerial decisions.

Public comment on the draft legislation is still being sought and should be addressed to the Secretary, Department of Communications, P.O. Box 34, Belconnen, ACT 2616. Copies of the draft legislation are available in AGPS bookshops.

<sup>1</sup>Further examination of the draft legislation is in *Amateur Radio Action* Vol. 5 1983 Issue 12 at pp.14-17 and 19-21.

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## Freedom of Information Act

The change of Federal Government has been followed by a change of attitude towards some requests for information under the **Freedom of Information Act 1982**, but generally it is still too early to detect an overall effect.

(A request for manuals from the Department of Social Security had not been successful prior to March 5 and appeared likely to reach the Administrative Appeals Tribunal. However, this did not eventuate when the manuals were made available soon after the new Minister took office.)

The Public Interest Advocacy Centre in Sydney has been busy making applications under the FOIA this year, covering social security, health, immigration, the Commonwealth Ombudsman and Attorney-General, development and energy, police and legal aid.

Requests made by the Centre included such information sources as policy documents and manuals, personal files and other specific items.

The Centre joined with the Ethnic Communities' Council and the Australian Consumers Association to hold a day-long seminar on FOI in Sydney on March 26. Speakers included John McMillan, Peter Bayne, Tom Brennan of the A.C.T. Social Security Advice and Advocacy Centre, Jack Waterford of the Canberra Times and Betty Hounslow of Marrickville Legal Centre.

The Public Interest Advocacy Centre is producing a comprehensive consumers' guide to the FOIA. This publication (in conjunction with the Australian Consumers Association) has been delayed in view of proposed amendments to the Act announced by the Federal Government.

The Communications Law Bulletin has a keen interest in FOI (for an introduction to FOI see 2 CLB-31) and the Editor would like to hear from applicants about their experiences in requesting information under it.